

RICK A. YARNALL  
CHAPTER 13 BANKRUPTCY TRUSTEE  
701 Bridger Ave  
Suite 820  
Las Vegas, NV 89101  
(702) 853-4500

E-FILED

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
ANTONIO CALALAY  
MERCEDITA CALALAY

CASE NO: BKS-10-13258-BAM

CHAPTER 13

Hearing Date: May 13, 2010

Hearing Time: 1:30 pm

HAINES & KRIEGER, L.L.C.  
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1  
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 02/28/2010. The 341(a) Meeting of Creditors held on April 06, 2010 at 1:30 pm was:

- concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Other: Order to avoid lien of deed(s) of trust must be completed prior to confirmation hearing; Provide written status report at time of confirmation hearing & any subsequent confirmation hearings to Trustee as to loan modification
- Amendment to B22(c): include all income (contribution son)
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
  - Original signature(s) on B21 and/or ECF
  - Bank statments: BOFA #0143 12/14-2/28; WF 3070 1/5/10 - 2/28/10; NAVY FED CU #2003 12/12/09 - 2/28/10
  - Provide comparable/appraisals on: timeshare and raw land
  - Support amount stated on Schedule J regarding excessive expenses: auto insurance premium
  - Other: Affidavit as to third party making vehicle payment; Copy of life insurance declaration page & premium statement for all policies; Documentation on 401k loan repayment to include balance owed and when paid off

The Chapter 13 Trustee objects to the following line(s) on the Debtor's form B22(c) for the reason the amount stated therein is either incorrect or excessive and requires the debtor to provide documentation to support the claim;

- Line 30 - Part IVA. Other Necessary Expenses: taxes
- Line 47 - Part IVC. Future payments on secured claims: remove as third party makes vehicle payments
- Plan is not feasible [11USC 1322] due to: secured claims filed;
- Plan to be interlineated with tax years: 2010-2014
- Plan - Other issues: resolve objection to confirmation of plan; objection to Sec. 6.03 language;

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: May 05, 2010

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee